

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

**DELOUISE RANDLE and
LIONEL SHORTER,**

Plaintiffs,

VS.

NO.

**NATIONWIDE PROPERTY & CASUALTY
INSURANCE COMPANY,**

JURY DEMAND

Defendant.

NOTICE OF REMOVAL

Defendant Nationwide Property & Casualty Insurance Company, ("Nationwide"), hereby notifies the Judges of the United States District Court for the Western District of Tennessee, the clerk of the Chancery Court of Shelby County, Tennessee and Plaintiffs, Delouise Randle and Lionel Shorter, that the action described herein and filed in the Chancery Court of Shelby County, Tennessee, is removed to the United States District Court for the Western District of Tennessee, Western Division pursuant to 28 U.S.C. § 1441.

1. On June 27, 2008, Plaintiffs, Delouise Randle and Lionel Shorter, filed a civil action bearing Docket No. CH-08-1187, Division I, against the Defendant, Nationwide Property & Casualty Insurance Company, in the Chancery Court of Shelby County, Tennessee. Service of the complaint and summons was made upon CT Corporation, the designated statutory agent of the Defendant, on July 11, 2008, by certified mail through the Department of Insurance of the State of Tennessee postmarked on July 9, 2008.

2. This action is filed by Plaintiffs for proceeds allegedly due under a contract of insurance written by Defendant Nationwide and insuring Plaintiffs' real property and contents in Shelby County, Tennessee which was allegedly destroyed by a fire occurring on or about June 29, 2007. This action may also seek to recover for a tractor lost due to theft at some point prior to June 29, 2007. Plaintiffs also make claims of statutory bad faith and violation of the Tennessee Consumer Protection Act.

3. Petitioner seeks removal of this action to this Court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy which exceeds Seventy-five Thousand Dollars (\$75,000.00), exclusive of the interest and costs, 28 U.S.C. § 1332. Specifically, the complaint demands damages in the amount of \$479,693.00, plus a 25% penalty for bad faith plus treble damages for violation of the Tennessee Consumer Protection Act.

4. Plaintiff, Delouise Randle, is a resident and citizen of the State of Mississippi and was a citizen of the State of Mississippi at the time of the filing of this action and at the time of removal. Plaintiff, Lionel Shorter, is a resident and citizen of the State of Tennessee and was a citizen of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant Nationwide is a corporation incorporated in Ohio, with its principal place of business in Columbus, Ohio. The amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. This notice is filed within the time prescribed by 28 U.S.C. §1446(b).

6. A copy of the Summons and Complaint, being all the papers served upon the Defendant, is attached hereto.

WHEREFORE, Notice is hereby given that the said civil action number CH-08-1187 is removed from the Chancery Court of Shelby County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

s/ Russell E. Reviere

Russell E. Reviere (BPR No. 07166)

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was forwarded first class U.S. Mail, postage prepaid to David N. Arnold, 6263 Poplar Avenue, Suite 1132, Memphis, Tennessee 38119, counselor of record for Plaintiffs, and by electronic means via the Court's electronic filing system.

This the 16th day of July, 2008.

s/ Russell E. Reviere